IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WA.No. 1280 of 2007()

AGAINST THE ORDER IN WPC.8664/2007
.....

APPELLANT: 4TH RESPONDENT

SMT.VANI KESARI.A.
SPRING HAVEN, M-149(2ND FLOOR)
XXV/95, CHANGAMPUZHA NAGAR.P.O.
COCHIN-682033

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN

RESPONDENTS: PETITIONER & RESPONDENTS 1 TO 3
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1. ELDHOSE.P.KUNNAPPILLIL
S/O.K.U.PAULOSE, LL.M.STUDENT
SCHOOL OF INDIAN LEGAL THOUGHT
MAHATMA GANDHI UNIVERSITY, NATTASSERY
KOTTAYAM, RESIDING AT KUNNAPPILLIL
SOUTH MARADY.P.O., MUVATTUPUZHA

2. THE VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM

3. THE MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR
PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM

4. THE SYNDICATE, MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS CHAIRMAN,
THE VICE CHANCELLOR, MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM

R2 TO R4 BY ADV. SRI.T.A.SHAJI, S.C. M.G.UNIVERSITY
SRI.MANOJ P.KUNJACHAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1280 of 2007

Dated, this the 6th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

The 4th respondent in W.P.(C) No.8664 of 2007 is the appellant in this writ appeal.

2. The appellant calls in question the orders passed by the learned Single Judge dated 19th March, 2007. By the impugned order the learned Single Judge having observed that the writ petition is in the nature of a public interest litigation, still thought it fit to admit the writ petition and issue notice to the respondents. This procedure adopted by the learned Single Judge is taken exception by the appellant in this writ appeal.

3. We have carefully perused the orders passed by the learned Single Judge. In the first sentence of the order the learned Single Judge has categorically stated that the petition filed is in the nature of a public interest litigation. If that is so, the learned Single Judge ought to have referred the writ petition for consideration and decision by this Court. That has not been done in the present case.

Therefore, the writ appeal requires to be allowed and it is allowed. Now a request is made to the learned Single Judge to refer W.P.(C) No.8664 of 2007 to this Court for consideration and decision on the prayers made in the writ petition. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns